

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Sarprio Doranti,

Case No. 14-cv-767 (DWF/LIB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Kevin D. Moser, et al.,

Defendants.

This matter came before the undersigned United States Magistrate Judge upon Plaintiff's Motion to Dismiss, [Docket No. 9].

The Undersigned recommends construing Plaintiff's Motion to Dismiss as a Notice of Voluntary Dismissal, and, accordingly, recommends that the present action be dismissed.

In light of the fact that Plaintiff has once before filed an identical complaint, see Doranti v. Moser, et al., Case No. 13-cv-1408 (DWF/LIB) (D. Minn.), which the Court subsequently dismissed pursuant to Plaintiff's Notice of Voluntary Dismissal, (Order [Docket No. 16]), the Undersigned further recommends that the present action be **DISMISSED WITH PREJUDICE**.¹

DATED: April 25, 2014

s/Leo I. Brisbois
LEO I. BRISBOIS
United States Magistrate Judge

N O T I C E

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties **by May 9, 2014**, a writing that

¹ "Unless the notice [of voluntary dismissal] or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits." Fed. R. Civ. P. 41(a)(1)(B).

specifically identifies the portions of the Report to which objections are made and the bases for each objection. A party may respond to the objections within **fourteen (14) days** of service thereof. Written submissions by any party shall comply with the applicable word limitations provided for in the Local Rules. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. This Report and Recommendation does not constitute an order or judgment from the District Court, and it is therefore not directly appealable to the Court of Appeals.